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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 BILLY WAYNE RICHMOND,

9 Plaintiff,

10 v.

11 JEFF UTTECHT,

12 Defendant.

Case No. C08-5571 FDB

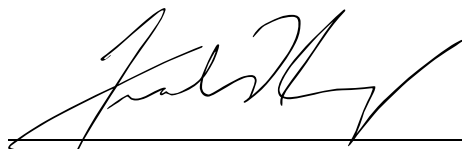
ORDER ADOPTING REPORT
AND RECOMMENDATION
DISMISSING ACTION
WITHOUT PREJUDICE

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14 This matter comes before the Court on the Magistrate Judge's recommendation that Plaintiff's
15 motion to voluntarily dismiss his action pursuant to Rule 41(a)(1) be granted. Plaintiff has not filed
16 an objection. The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
17 Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does
18 hereby find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation;
20 (2) This action is **DISMISSED** on Plaintiff's request pursuant to Fed. R.
21 Civ. P 41 (a)(1). The dismissal is **WITHOUT PREJUDICE**.

22 The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to
23 the Hon. J. Kelley Arnold.

24 DATED this 8th day of December, 2008.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE